

LAW OFFICE OF AMY JANE AGNEW

Honorable Loretta A. Preska
Senior Justice, United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

June 19, 2023

VIA ECF

Re: *Allen, et al. v. NYS DOCCS, et al.*, 19-cv-8173 (LP)(SN)

Dear Judge Preska:

Plaintiffs write to request an extension of the time to file a fees and costs application in furtherance of the Court's order of April 4, 2023 (dkt. no. 558) and the parties' discussion with the Court on May 31, 2023. Given the Court's multiple findings of constitutional violations in its preliminary injunction opinion, Plaintiffs are undoubtedly entitled to fees and costs pursuant to 42 U.S.C. § 1988. Haley v. Pataki, 106 F. 3d 478, 483 (2d Cir. 1997).¹

However, given that the dictates of the PLRA have forced a permanent injunction hearing in early August, Plaintiffs respectfully request an extension of time to file our motion until fourteen (14) days after the Court rules on the trial on the merits. This extension will allow Plaintiffs to file one fees and costs application and best serve our own calendar as well as that of the Court. If Plaintiffs fail to gain a permanent injunction, Plaintiffs will file an application for fees and costs associated with the class certification and based on the findings on the merits within the preliminary injunction within fourteen (14) days of the Court's determination. If the Court would prefer an alternative timeline, we are more than happy to oblige.


As always, we thank the Court for its continuing courtesies.

Very truly yours,

/s/ **AJ Agnew**

Amy Jane Agnew, Esq.

SO ORDERED.


6/20/2023

¹ Yes, gentle reader, I am already warming up my thinly guised puns on bare conclusions, naked allegations and injunctions granted so hastily that no one could get dressed.